



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,864	02/26/2002	Joel E. Cordsmeyer	BELL-0117/01115	4963

38952 7590 04/27/2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

BENGZON, GREG C

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

87

Office Action Summary	Application No. 10/082,864	Applicant(s) CORDSMEYER ET AL.	
	Examiner Greg Bengzon	Art Unit 2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This application has been examined. Claims 1-13 are pending.

Priority

The effective date of the claims described in this application is February 26, 2002.

Claim Objections

Claim 4 is objected to because of the following informalities: Claim 4 recites a dependency on itself. Appropriate correction is required.

For the purposes of examination, Claim 4 has been interpreted to be dependent on Claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1-13 describe a 'fault message purge procedure' without indicating any associated steps and limitations for accomplishing said procedure.

A claim which omits matter disclosed to be essential to the invention as described in the specification or in other statements of record may be rejected under 35 U.S.C. 112, first paragraph, as not enabling. In re Mayhew, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). See also MPEP § 2164.08(c). Such essential matter may include missing elements, steps or necessary structural cooperative relationships of elements described by the applicant(s) as necessary to practice the invention.

Though the statute does not use the term "undue experimentation," it has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. The test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.

The Examiner notes that specification was not enabling with respect to the said claims at issue, noting further that there was no considerable direction and guidance in the specification; that there was no evidence presented by the Applicant of a high level of skill in the art at the time the application was filed; and also no evidence presented that all of the methods needed to practice the invention were well known.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. Claims 1-13 describe a 'fault message purge procedure' without indicating any associated steps and limitations for accomplishing said procedure.

Claims 1-13 provide for the use of 'a fault message purge procedure', but, since the claim does not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under

35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qiao (US Patent 6721791) in view of Groath et al. (US Patent 6571285), hereinafter referred to as Groath.

Qiao substantially discloses the features of the invention as described in the Claims shown below.

1. A fault message purge procedure comprising the improvement of an increased rowcount, (Figure 4, Figure 10-14, Column 4 Lines 55-65, C5 Lines 1-30, Column 9 Lines 20-35, Column 13 Lines 40-50, Column 15 Lines 5-30) the increased rowcount

Art Unit: 2144

comprising approximately 45,000 rows in a trap-generated message memory for approximately every 15 traps received at a corresponding fault server.

7. In a telecommunications system having a plurality of managed elements, each of the managed elements potentially generating traps which are communicated to one or more fault servers, an improved fault message purge procedure, (Figure 4, Figure 10-14, Column 4 Lines 55-65, C5 Lines 1-30, Column 9 Lines 20-35, Column 13 Lines 40-50, Column 15 Lines 5-30) the improvement comprising an increased rowcount, the increased rowcount corresponding to approximately 45,000 rows in a trap-generated message memory for approximately every 15 traps received at the one or more fault servers.

However Qiao does not disclose certain features of the invention. While Qiao discloses of deleting records from the database, Qiao does not disclose of using purge scripts, checking for successful execution of the purge script, and restarting the purge process upon detection of errors.

Groath discloses of a method for monitoring network events, setting SNMP trap handlers, setting trigger levels for a certain parameter, and using a purge script that may be used for deleting records off a database containing trap messages. The said purge script will create a log file, an exception file and will send notification to report success or failure of the purging process.

Groath discloses the features of the invention as described in the Claims shown below.

2. The procedure of claim 1 comprising the further improvement of maintaining a log file of all insertions and deletions of trap-generated messages in the trap-generated message memory. (Column 13 Lines 45-60, Column 60 Lines 1-65, Column 61 Lines 10-20)

3. The procedure of claim 1 comprising the further improvement of monitoring all insertions and deletions of trap-generated messages in the trap-generated message memory to ensure all purge processes are functioning properly. (Column 13 Lines 45-60, Column 60 Lines 1-65, Column 61 Lines 10-40)

4. The procedure of claim 4 wherein any of the purge processes identified as not functioning properly are restarted. (Column 60 Lines 1-65, Column 61 Lines 10-40) The Examiner notes that it would have been obvious for the administrator to restart failed purge processes, either manually or systemically by coding said restart in the purge script. (Column 15 Lines 60-65, Column 16 Lines 50-65)

5. The procedure of claim 1 comprising the further improvement of monitoring one or more of any processes contained within the purge procedure and restarting the purge

Art Unit: 2144

procedure upon detection of any errors in the processes. (Column 60 Lines 1-65,
Column 61 Lines 10-40)

6. A fault message purge procedure comprising the improvement of monitoring one
or more of any processes contained within the purge procedure and restarting the purge
procedure upon detection of any errors in the processes. (Column 60 Lines 1-65,
Column 61 Lines 10-40)

8. The procedure of claim 7 wherein the purge procedure calls a purge script residing
in the one or more fault servers. (Column 15 Lines 60-65, Column 16 Lines 50-65)

9. The procedure of claim 7 wherein the purge procedure is initiated by a second
purge script residing in a UNIX segment of the one or more fault servers. (Column 15
Lines 60-65, Column 16 Lines 50-65, Column 60 Lines 1-65, Column 61 Lines 10-40)

10. The procedure of claim 7 comprising the further improvement of maintaining a log
file of all insertions and deletions of trap-generated messages in the trap-generated
message memory. (Column 60 Lines 1-65, Column 61 Lines 10-40)

11. The procedure of claim 7 comprising the further improvement of monitoring all insertions and deletions of trap-generated messages in the trap-generated message memory to ensure all purge processes are functioning properly. (Column 60 Lines 1-65, Column 61 Lines 10-40)

12. The procedure of claim 11 wherein any of the purge processes identified as not functioning properly are restarted. (Column 60 Lines 1-65, Column 61 Lines 10-40)

13. The procedure of claim 7 comprising the further improvement of monitoring one or more of any processes contained within the purge procedure and restarting the purge procedure upon detection of any errors in the processes. (Column 60 Lines 1-65, Column 61 Lines 10-40)

Qiao and Groath are analogous art because they present concepts and practices regarding monitoring of network events such as trap messages and managing the log databases that store said messages. The Examiner respectfully suggests that at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the teachings of Groath regarding purge scripts into the methods and system of Qiao. The said combination would have enabled the system of Qiao to 1) use a purge script to accomplish deletion of records, 2) monitor for successful completion of purge script, and 3) use scripts in order to restart any failed scripts. The suggested motivation for doing so would have been, as Groath suggests, in order to use scripting

languages and thereby allow for boundless flexibility and allow for deep SNMP trap broadcasts. (Column 113 Lines 40-45)

Thus it would have been obvious to combine the teachings of Groath into the methods and systems of Qiao in order to obtain the invention as described in Claims 1-13.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571)272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb



WILLIAM A. CUCHLINSKI, JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800